

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Rodney M. SHIELDS

Appln. No.: 09/267,025

Filed: March 11, 1999

Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

Confirmation No.: 6529

Group Art Unit: 1772

Examiner: William P. Watkins, III

TECHNOLOGY CENTER 1700

RECEIVED

MAY 27 2003

EXHIBIT A

**TO APPLICANT'S REQUEST FOR CROSS-EXAMINATION OF
PETITIONER'S AFFIANTS**

DORSEY & WHITNEY LLP
Aldo Noto, Reg. No. 35,628
1001 Pennsylvania Avenue, N.W.
Suite 400 South
Washington, D.C. 20004
Tel: (202) 442-3000 –
Direct: (202) 442 3520
Fax: (202) 442 3199
Attorneys for Applicant
Clear Focus Imaging, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Rodney M. SHIELDS

Appln. No.: 09/267,025

Filed: March 11, 1999

Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

Confirmation No.: 6529

Group Art Unit: 1772

Examiner: William P. Watkins III

RECEIVED
MAY 27 2003

TECHNOLOGY CENTER 1700

March 21, 2003

PETITIONER'S INDEX OF WITNESSES AND EXHIBITS
UNDER 37 CFR §1.672(b) FOR PUBLIC USE PROCEEDINGHon. Commissioner of Patents
Washington, D.C. 20231

Sir:

Petitioner in the public use proceeding of the above-referenced reissue application hereby provides its Index of witnesses and exhibits under 37 CFR §1.672(b).

1. Witness List

Witnesses	Testimony Begins at
Linda M. Icard.....	Ex. 2, p. 1
Benjamin W. Icard.....	Ex. 3, p. 1
George Roland Hill.....	Ex. 4, p. 1
Abigail Parker.....	Ex. 5, p. 1
Patrick Henrietta.....	Ex. 6, p. 1

SHIELDS - Serial No. 09/267,025

2. Exhibit List

Exhibit	Description	First Identified
1	Offcut of "Old Joe" advertisement assembly	Ex. 2, p. 13
2	Affidavit of Linda M. Icard	Ex. 2, p. 1
2A	Documents relating to production of self-adhesive and static cling assemblies	Ex. 2, p. 8
2B	Records regarding sales of assemblies by Visual Technologies, Inc. and Clear Choice Marketing, Inc.	Ex. 2, p. 8
2C	Extracts from Visual Technologies, Inc.'s production calendar	Ex. 2, p. 3
2D	Offcut of "Old Joe" advertisement assembly	Ex. 2, p. 13
2E	October 1, 1993 letters from Clear Choice Marketing, Inc. to Coca-Cola Fountain, Georgia Lottery Commission, and Earl Palmer Brown Co.	Ex. 2, p. 17
2F	Photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Ex. 2, p. 15
2G	Article concerning Gatorade's use of Imagolmage advertisement assemblies	Ex. 2, p. 20
2H	Invoice of order to produce "Old Joe" perforated self-adhesive assembly for a full-scale advertising program	Ex. 2, p. 17
2I	U.S. Pat. No. 5,525,177	Ex. 2, p. 23
2J	U.S. Pat. No. 5,773,110	Ex. 2, p. 23

SHIELDS - Serial No. 09/267,025

2K	July 26, 1993 Imagolimage, Inc. confidential non-disclosure agreement	Ex. 2, p. 3
2L	Facsimile from Greg Ross to Linda and Ben Icard concerning Imagolimage license	Ex. 2, p. 7
2M	Material similar to the perforated self-adhesive assembly used for the "Airport Cruiser Bus" project	Ex. 2, p. 9
2N	Articles concerning advertisements on buses	Ex. 2, p. 2
2P	Notes made by Linda Icard on 9/29/93 and 9/30/93	Ex. 2, p. 15
3	Affidavit of Benjamin W. Icard	Ex. 3, p. 1
3A	8/16/93 license offer to Linda and Ben Icard from Greg Ross; resulting license	Ex. 3, p. 4
3B	Addendum to the license in Exhibit 3A	Ex. 3, p. 5
3C	Documentation of actual sales of bus advertising materials to Las Vegas Hilton (Day Graphics), David Taylor, TANK Transit Authority, Phoenix Transit, Von Art, WTVD, Graphics International, and Tulsa Transit (Market Media), all of which were shipped before the end of September 1993	Ex. 3, p. 7
3D	Imagolimage, Inc. promotional material; letters from Clear Choice Marketing, Inc. to various customers	Ex. 3, p. 11
3E	Imagolimage, Inc. publicity material including newspaper reports of perforated self-adhesive assemblies on a	Ex. 3, p. 7

SHIELDS - Serial No. 09/267,025

	"RoboBus"	
3F	November 29, 1993 article in Adweek; documentation of the sale of the advertisement illustrated in the Adweek article	Ex. 3, p. 7
3G	Article in the June 1994 P.O.P Times	Ex. 3, p. 15
3H	September 1993 photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Ex. 3, p. 11
3I	ImagoImage promotional materials and cover letter enclosing same	Ex. 3, p. 12
3J	October 4, 1993 page from Visual Technologies, Inc.'s production calendar	Ex. 3, p. 16
4	Affidavit of George Roland Hill	Ex. 4, p. 1
4A	Correspondence between Contravision North America, Inc. and ImagelImage, Inc. concerning U.S. Pat. No. 4,673,609	Ex. 4, p. 2
4B	Photographs of the "Old Joe" advertisement assembly	Ex. 4, p. 3
4C	ImagoImage publicity and licensing information; correspondence to and from Contravision North America, Inc. concerning ImagelImage, Inc.'s products	Ex. 3, p. 13; Ex. 4, p. 5
4D	Offcut of a Gatorade advertisement	Ex. 4, p. 6
4E	Photographs of the "Old Joe" advertisement assembly applied to a window at a Circle K convenience store in	Ex. 4, p. 4

SHIELDS - Serial No. 09/267,025

	Charlotte, NC	
5	Declaration of Abigail Parker	Ex. 5, p. 1
5A	Photographs taken by Abigail Parker on October 7, 1993 of an ImageoImage advertisement assembly on an LAX Airport Shuttle	Ex. 5, p. 1
5B	Offcut of a mounted Gatorade product advertising assembly	Ex. 3, p. 16
6	Affidavit of Patrick Henrietta	Ex. 6, p. 1
6A	Visual Technologies, Inc. Production Calendar extracts	Ex. 6, p. 2
6B	October 1, 1993 letter from Clear Choice Marketing, Inc. to Coca-Cola Fountain	Ex. 6, p. 5
7	Supplemental Declaration of George Roland Hill	Ex. 7, p. 1
7F	April 8, 1997 Clear Focus Imaging, Inc. "Issued Patents and Patent Applications"	Ex. 7, p. 1
7G	Statutory Declaration in the matter of Clear Focus Patents and Patent Applications	Ex. 7, p. 1
7H	ImageoImage Company documents	Ex. 7, p. 1
7I	August 1993 ImageoImage, Inc. brochure and computer printout regarding this brochure	Ex. 7, p. 2
7J	Press cuttings concerning the RoboCop 3 project and a letter dated August 23, 2001 indicating that the RoboCop 3 advertisement assembly was printed by Supergraphics, Inc.	Ex. 7, p. 2

SHIELDS - Serial No. 09/267,025

7K	July 21, 1993 license agreement between Imagolimage, Inc. and Supergraphics, Inc.	Ex. 7, p. 3
7L	September 16, 1993 license agreement between Imagolimage, Inc. and Clear Choice Marketing, Inc.	Ex. 7, p. 4
7M	September 27, 1993 license agreement between Imagolimage, Inc. and Edge Media Group, Inc.	Ex. 7, p. 4
7N	Extracts from a protest by Creative Minds Foundation signed by Gregory E. Ross, its President, in the Reissue of U.S. B1 4,673,609	Ex. 7, p. 6
7O	Clear Focus Imaging, Inc.'s Opposition to the Amendment of GB 2 165 292	Ex. 7, p. 6
7P	Declaration of Gregory E. Ross and Amendment dated January 23, 2002 in reissue application no. 09/267025	Ex. 7, p. 3
7Q	August 17, 1993 letter from Gregory E. Ross to Edge Marketing enclosing sample Exclusive License Agreement	Ex. 7, p. 5

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 
 Jack S. Barufka
 Reg. No.: 37,087

Benjamin L. Kiersz
 Reg. No. 51,875

SHIELDS - Serial No. 09/267,025

1600 Tysons Boulevard
McLean, VA 22102
Phone: (703) 905-2000
Facsimile: (703) 905-2500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re REISSUE APPLICATION OF****Rodney M. SHIELDS****Appln. No.: 09/267,025****Filed: March 11, 1999****Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING**

Confirmation No.: 6529

Group Art Unit: 1772

Examiner: William P. Watkins III

May 5, 2003

**PETITIONER'S SUPPLEMENTAL INDEX OF WITNESSES AND
EXHIBITS UNDER 37 CFR §1.672(b) FOR PUBLIC USE PROCEEDING****Hon. Commissioner of Patents
Washington, D.C. 20231****Sir:**

Petitioner in the public use proceeding of the above-referenced reissue application hereby provides its Supplemental Index of witnesses and exhibits under 37 CFR §1.672(b).

1. Witness List**Witnesses****Testimony Begins at**

Linda M. Icard.....	Ex. 2, p. 1
Benjamin W. Icard,	Ex. 3, p. 1
George Roland Hill.....	Ex. 4, p. 1
Abigail Parker.....	Ex. 5, p. 1
Patrick Henrietta.....	Ex. 6, p. 1
Jack S. Barufka.....	Ex. 13, p. 1

2. Exhibit List

Exhibit	Description	First Identified
1	Offcut of "Old Joe" advertisement assembly	Ex. 2, p. 13
2	Affidavit of Linda M. Icard	Ex. 2, p. 1
2A	Documents relating to production of self-adhesive and static cling assemblies	Ex. 2, p. 8
2B	Records regarding sales of assemblies by Visual Technologies, Inc. and Clear Choice Marketing, Inc.	Ex. 2, p. 8
2C	Extracts from Visual Technologies, Inc.'s production calendar	Ex. 2, p. 3
2D	Offcut of "Old Joe" advertisement assembly	Ex. 2, p. 13
2E	October 1, 1993 letters from Clear Choice Marketing, Inc. to Coca-Cola Fountain, Georgia Lottery Commission, and Earl Palmer Brown Co.	Ex. 2, p. 17
2F	Photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Ex. 2, p. 15
2G	Article concerning Gatorade's use of ImagоИmage advertisement assemblies	Ex. 2, p. 20
2H	Invoice of order to produce "Old Joe" perforated self-adhesive assembly for a full-scale advertising program	Ex. 2, p. 17
2I	U.S. Pat. No. 5,525,177	Ex. 2, p. 23
2J	U.S. Pat. No. 5,773,110	Ex. 2, p. 23

2K	July 26, 1993 ImagolImage, Inc. confidential non-disclosure agreement	Ex. 2, p. 3
2L	Facsimile from Greg Ross to Linda and Ben Icard concerning ImagolImage license	Ex. 2, p. 7
2M	Material similar to the perforated self-adhesive assembly used for the "Airport Cruiser Bus" project	Ex. 2, p. 9
2N	Articles concerning advertisements on buses	Ex. 2, p. 2
2P	Notes made by Linda Icard on 9/29/93 and 9/30/93	Ex. 2, p. 15
3	Affidavit of Benjamin W. Icard	Ex. 3, p. 1
3A	8/16/93 license offer to Linda and Ben Icard from Greg Ross; resulting license	Ex. 3, p. 4
3B	Addendum to the license in Exhibit 3A	Ex. 3, p. 5
3C	Documentation of actual sales of bus advertising materials to Las Vegas Hilton (Day Graphics), David Taylor, TANK Transit Authority, Phoenix Transit, Von Art, WTVD, Graphics International, and Tulsa Transit (Market Media), all of which were shipped before the end of September 1993	Ex. 3, p. 7
3D	ImagoImage, Inc. promotional material; letters from Clear Choice Marketing, Inc. to various customers	Ex. 3, p. 11
3E	ImagoImage, Inc. publicity material including newspaper reports of perforated self-adhesive assemblies on a	Ex. 3, p. 7

	"RoboBus"	
3F	November 29, 1993 article in Adweek; documentation of the sale of the advertisement illustrated in the Adweek article	Ex. 3, p. 7
3G	Article in the June 1994 P.O.P Times	Ex. 3, p. 15
3H	September 1993 photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Ex. 3, p. 11
3I	ImagoImage promotional materials and cover letter enclosing same	Ex. 3, p. 12
3J	October 4, 1993 page from Visual Technologies, Inc.'s production calendar	Ex. 3, p. 16
4	Affidavit of George Roland Hill	Ex. 4, p. 1
4A	Correspondence between Contravision North America, Inc. and ImagoImage, Inc. concerning U.S. Pat. No. 4,673,609	Ex. 4, p. 2
4B	Photographs of the "Old Joe" advertisement assembly	Ex. 4, p. 3
4C	ImagoImage publicity and licensing information; correspondence to and from Contravision North America, Inc. concerning ImagoImage, Inc.'s products	Ex. 3, p. 13; Ex. 4, p. 5
4D	Offcut of a Gatorade advertisement	Ex. 4, p. 6
4E	Photographs of the "Old Joe" advertisement assembly applied to a window at a Circle K convenience store in	Ex. 4, p. 4

	Charlotte, NC	
5	Declaration of Abigail Parker	Ex. 5, p. 1
5A	Photographs taken by Abigail Parker on October 7, 1993 of an ImagoImage advertisement assembly on an LAX Airport Shuttle	Ex. 5, p. 1
5B	Offcut of a mounted Gatorade product advertising assembly	Ex. 3, p. 16
6	Affidavit of Patrick Henrietta	Ex. 6, p. 1
6A	Visual Technologies, Inc. Production Calendar extracts	Ex. 6, p. 2
6B	October 1, 1993 letter from Clear Choice Marketing, Inc. to Coca-Cola Fountain	Ex. 6, p. 5
7	Supplemental Declaration of George Roland Hill	Ex. 7, p. 1
7F	April 8, 1997 Clear Focus Imaging, Inc. "Issued Patents and Patent Applications"	Ex. 7, p. 1
7G	Statutory Declaration in the matter of Clear Focus Patents and Patent Applications	Ex. 7, p. 1
7H	ImagoImage Company documents	Ex. 7, p. 1
7I	August 1993 ImagoImage, Inc. brochure and computer printout regarding this brochure	Ex. 7, p. 2
7J	Press cuttings concerning the RoboCop 3 project and a letter dated August 23, 2001 indicating that the RoboCop 3 advertisement assembly was printed by Supergraphics, Inc.	Ex. 7, p. 2

7K	July 21, 1993 license agreement between ImagoImage, Inc. and Supergraphics, Inc.	Ex. 7, p. 3
7L	September 16, 1993 license agreement between ImagoImage, Inc. and Clear Choice Marketing, Inc.	Ex. 7, p. 4
7M	September 27, 1993 license agreement between ImagoImage, Inc. and Edge Media Group, Inc.	Ex. 7, p. 4
7N	Extracts from a protest by Creative Minds Foundation signed by Gregory E. Ross, its President, in the Reissue of U.S. B1 4,673,609	Ex. 7, p. 6
7O	Clear Focus Imaging, Inc.'s Opposition to the Amendment of GB 2 165 292	Ex. 7, p. 6
7P	Declaration of Gregory E. Ross and Amendment dated January 23, 2002 in reissue application no. 09/267025	Ex. 7, p. 3
7Q	August 17, 1993 letter from Gregory E. Ross to Edge Marketing enclosing sample Exclusive License Agreement	Ex. 7, p. 5
8	Supplemental Declaration of Linda M. Icard	Ex. 8, p. 1
9	Supplemental Declaration of Benjamin W. Icard	Ex. 9, p. 1
10	Second Supplemental Declaration of George Roland Hill	Ex. 10, p. 1
11	Supplemental Declaration of Abigail Parker	Ex. 11, p. 1
12	Supplemental Declaration of Patrick Henrietta	Ex. 12, p. 1
13	Declaration of Jack S. Barufka	Ex. 13, p. 1

05/27/03 TUE 16:03 FAX 202 824 8997
SHIELDS - Serial No. 09/267,025

DORSEY WHITNEY

019

Respectfully submitted,

PILLSBURY WINTHROP LLP

By


Jack S. Barunick
Reg. No.: 37,087

Benjamin L. Kiersz
Reg. No. 51,875

1600 Tysons Boulevard
McLean, VA 22102
Phone: (703) 905-2000
Facsimile: (703) 905-2500



WUC-IT

DAC

RECEIVED
JUN 03 2003
TC 1700
6/14/03
13/14/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Rodney M. SHIELDS

Appln. No.: 09/267,025

Filed: March 11, 1999

Confirmation No.: 6529

Group Art Unit: 1772

Examiner: William P. Watkins, III

Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

**APPLICANT'S REQUEST FOR CROSS-EXAMINATION OF
PETITIONER'S AFFIANTS**

Pursuant to the Schedule for the Public Use Proceeding set forth on January 13, 2003 and in conformance with MPEP 720.04, applicant hereby requests cross-examination of petitioner's affiants as follows:

Linda M. Icard
Benjamin W. Icard
George Roland Hill
Abigail Parker
Patrick Henrietta

Applicant intends to use the testimony and exhibits of the petitioners in the record at cross-examination. *See Exhibit A To Applicant's Request For Cross-Examination Of Petitioner's Affiants* and Draft Notice of Deposition of Linda M. Icard, Draft Notice of

RECEIVED

MAY 30 2003

OFFICE OF PETITIONS

Deposition of Benjamin W. Icard, Draft Notice of Deposition of George Roland Hill, Draft
Notice of Deposition of Abigail Parker and Draft Notice of Deposition of Patrick Henrietta.

Respectfully submitted,

DORSEY & WHITNEY LLP



Aldo Noto, Reg. No. 35,628
1001 Pennsylvania Avenue, N.W.
Suite 400 South
Washington, D.C. 20004
Tel: (202) 442-3000 —
Direct: (202) 442 3520
Fax: (202) 442 3199

*Attorneys for Applicant
Clear Focus Imaging, Inc.*



PROOF OF SERVICE UNDER 37 CFR §1.248

RECEIVED
JUN 03 2003
TC 1700

I hereby certify that a true copy of the foregoing **APPLICANT'S REQUEST FOR CROSS-EXAMINATION OF PETITIONER'S AFFIANTS** was served by facsimile and by U.S. First Class Mail this 27th day of May 2003 on counsel for the reissue Petitioner's indicated below:

Jack S. Barufka
Benjamin L. Kiersz
PILLSBURY WINTHROP LLP
1600 Tysons Boulevard
McLeran, VA 22102
Phone: (703) 905-2000
Facsimile: (703) 905-2500

Respectfully submitted

DORSEY & WHITNEY LLPL

By: 

Aldo Noto, Reg. No. 35,628

RECEIVED

MAY 30 2003

OFFICE OF PETITIONS